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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No. 5418 of 2007
Date of decision: 18.10.2007

Mohinder Singh **...Petitioner**

Versus

Jaswant Singh and others **...Respondents**

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Amit Rawal, Advocate for the petitioner.

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RAJESH BINDAL, J.

The challenge in the present petition is to the order dated September 22, 2007 passed by the learned Civil Judge (Senior Division), Ludhiana whereby the application filed by the petitioner/defendant for rejection of plaint under Order 7 Rule 11 of the Code of Civil Procedure (for short "the Code") was dismissed.

The suit was filed by respondent No.1/plaintiff along with respondents No.5 and 6 way back in 1997 seeking injunction against the petitioner/defendant against installing and running a Dharam Kanda. There is no interim order in the case, meaning thereby that petitioner is carrying on his business. The application under Order 7 Rule 11 of the Code was filed at a belated stage claiming that certain development had taken place which, according to the petitioner, result in proving that there was no cause of action with respondent No.1 to file the present suit. However, keeping in view the fact that suit was filed way back in 1997 and even for appreciating the subsequent events which, according to the petitioner, has the effect of showing that there is no cause of action against the petitioner, certain subsequent events have to be re-appreciated. This process itself may take sometime for the Court to form an opinion thereon. Under the circumstances, learned counsel for the petitioner states that as the suit itself is quite old, let the Court below be directed to expedite the hearing thereof, so that the agony of the petitioner from the frivolous litigation initiated by

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respondent No.1/plaintiff comes to an end early.

Keeping in view the fact that the suit pertains to the year 1997, the trial Court is directed to expedite the hearing of the case and dispose of the same preferably within a period of nine months from the date already fixed.

The revision petition is disposed of in the manner indicated above.

October 18, 2007 **(Rajesh Bindal)**
Pka/DK **Judge**